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Linda Breathitt
Commissioner

October 28, 2013

Charles Cole, Esq.
Ms. Mary Myers
M. Todd Osterloh, Esq
Sturgill, Turner, Barker & Moloney, PLLC
333 West Vine Street, Suite 1400
Lexington, KY 40507

Gregory Dutton, Esq.
Jennifer Hans, Esq.
Assistant Attorney General
Office of the Attorney General Utility & Rate
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601-8204

Sue Ellen Morris, Esq,
Hickman County Courthouse
110 East Clay Street, Suite D
Clinton, KY 42301

Re: Case No. 2013-00237
Water Service Corporation of Kentucky

Ladies and Gentlemen:

The enclosed electronic mails have been filed in the record of the above-referenced case. Any comments regarding the content should be submitted to the Commission within five days of receipt of this letter. Any questions regarding the electronic mails should be directed to Ann Ramser, Staff Attorney, at (502) 782-2585.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Derouen".

Jeff Derouen
Executive Director

AR/kar
Enclosure

Ramser, Ann (PSC)

From: Todd Osterloh <tosterloh@sturgillturner.com>
Sent: Wednesday, October 23, 2013 9:48 AM
To: Ramser, Ann (PSC); Wuetcher, Jerry (PSC); Hans, Jennifer (KYOAG); Dutton, Gregory (KYOAG); s_ellen@bellsouth.net; Frost, Mark C (PSC)
Cc: Mendez, Lisa (PSC)
Subject: RE: WSCK Exhibit 3 - PSC DR1

In case anyone else is having similar concerns, be sure and maximize the worksheet window to see all of the worksheet tabs. When the Excel file opens from the PSC website, the bottom portion of the worksheet and other tabs may not be viewable in the window pane.

From: Ramser, Ann (PSC) [mailto:Ann.Ramser@ky.gov]
Sent: Wednesday, October 23, 2013 9:43 AM
To: Todd Osterloh; Wuetcher, Jerry (PSC); Hans, Jennifer (KYOAG); Dutton, Gregory (KYOAG); s_ellen@bellsouth.net; Frost, Mark C (PSC)
Cc: Mendez, Lisa (PSC)
Subject: FW: WSCK Exhibit 3 - PSC DR1

Todd and Lisa Mendez spoke and the issue has been resolved. All the information previously filed for #3 is present except for the information that Todd is seeking confidential treatment.

Ann Ramser
Staff Attorney
Office of General Counsel
Public Service Commission
211 Sower Boulevard
Frankfort, KY 40601
(502) 782-2585

From: Ramser, Ann (PSC)
Sent: Wednesday, October 23, 2013 9:35 AM
To: 'Todd Osterloh'
Cc: Wuetcher, Jerry (PSC); Hans, Jennifer (KYOAG); Dutton, Gregory (KYOAG); 'Sue Ellen Morris'; Frost, Mark C (PSC)
Subject: RE: WSCK Exhibit 3 - PSC DR1

Todd,

I relayed the information from our telephone call to Lisa Mendez, an IT person. She does not believe that we have the entire response for #3 previously filed less the information that you want treated as confidential.

I gave Lisa your phone number to call and discuss the technical issue regarding the filing of response number 3.

Ann Ramser
Staff Attorney
Office of General Counsel
Public Service Commission
211 Sower Boulevard
Frankfort, KY 40601
(502) 782-2585

From: Todd Osterloh [<mailto:tosterloh@sturgillturner.com>]
Sent: Wednesday, October 23, 2013 9:22 AM
To: Ramser, Ann (PSC)
Cc: Wuetcher, Jerry (PSC); Hans, Jennifer (KYOAG); Dutton, Gregory (KYOAG); 'Sue Ellen Morris'; Frost, Mark C (PSC)
Subject: RE: WSCK Exhibit 3 - PSC DR1

Ann,
Per our telephone conversation, I think all the information is there. The primary difference between the October 11 filing and the October 23 filing is that the bulk of the information in the October 11 filing is contained in a pdf document, in which you can easily identify the 80+ pages. The complete information should be contained in the October 23 filing in the Excel file, but it will be contained in the various worksheets.

Todd

M. Todd Osterloh

Attorney

tosterloh@sturgillturner.com



333 West Vine Street, Suite 1400, Lexington, KY 40507
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From: Ramser, Ann (PSC) [<mailto:Ann.Ramser@ky.gov>]
Sent: Wednesday, October 23, 2013 8:59 AM
To: Todd Osterloh
Cc: Wuetcher, Jerry (PSC); Hans, Jennifer (KYOAG); Dutton, Gregory (KYOAG); 'Sue Ellen Morris'; Frost, Mark C (PSC)
Subject: RE: WSCK Exhibit 3 - PSC DR1

Todd,

I reviewed the documents that you filed yesterday. Only the pages that you want information redacted were filed. We need the entire response to request number 3 refiled with the information you want treated as confidential redacted.

Thank you.

Ann Ramser
Staff Attorney
Office of General Counsel
Public Service Commission

211 Sower Boulevard
Frankfort, KY 40601
(502) 782-2585

From: Todd Osterloh [<mailto:tosterloh@sturgillturner.com>]
Sent: Tuesday, October 22, 2013 11:52 AM
To: Ramser, Ann (PSC)
Cc: Wuetcher, Jerry (PSC); Hans, Jennifer (KYOAG); Dutton, Gregory (KYOAG); 'Sue Ellen Morris'; Frost, Mark C (PSC)
Subject: RE: WSCK Exhibit 3 - PSC DR1

Thank you!

From: Ramser, Ann (PSC) [<mailto:Ann.Ramser@ky.gov>]
Sent: Tuesday, October 22, 2013 11:50 AM
To: Todd Osterloh
Cc: Wuetcher, Jerry (PSC); Hans, Jennifer (KYOAG); Dutton, Gregory (KYOAG); 'Sue Ellen Morris'; Frost, Mark C (PSC)
Subject: RE: WSCK Exhibit 3 - PSC DR1

Todd,

IT is now removing request number 3 from part 1 of 3 upload. The rest of part 1 of 3 will remain.

This afternoon, please file the entire response to request #3 with any information that you are requesting confidential treatment redacted along with the motion for confidential treatment.

Ann Ramser
Staff Attorney
Office of General Counsel
Public Service Commission
211 Sower Boulevard
Frankfort, KY 40601
(502) 782-2585

From: Todd Osterloh [<mailto:tosterloh@sturgillturner.com>]
Sent: Tuesday, October 22, 2013 11:21 AM
To: Ramser, Ann (PSC)
Cc: Wuetcher, Jerry (PSC); Hans, Jennifer (KYOAG); Dutton, Gregory (KYOAG); 'Sue Ellen Morris'
Subject: WSCK Exhibit 3 - PSC DR1

Ann,
In reviewing WSCK's Response to Item 3 to the Commission Staff's First Information Request this morning, I discovered that there is material for which confidentiality should have been sought. Beginning on page 44 of the pdf file, which is currently publicly available, there is salary information identified by employee name, which is information of a personal nature protected by KRS 61.878.

Earlier this morning, staff at WSCK indicated that the corrected Excel file corresponding to the Response to Item 3 should be completed and ready to file today. As soon as it is ready to file, I will file it in conjunction with a motion for confidentiality. In the motion, I will formally request that the PSC remove Response to Request No. 3 from the 10/11/2013 filing entitled "RESPONSES TO COMMISSION STAFF'S FIRST INFORMATION REQUEST - PART 1 of 3."

This presents a few questions:

1. Can removal of this file be done immediately, knowing that the formal request for removal will be made in the motion for confidentiality that is forthcoming?
2. When the file is removed, what exactly will be removed? Can the PSC IT staff remove only the "Response to Request No. 3" file? Or will the entire Part 1 of 3 upload be removed? This information will help me be better prepared for filing later today.

Thanks for your assistance,

M. Todd Osterloh

Attorney

tosterloh@sturgillturner.com



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Ramser, Ann (PSC)

From: Dutton, Gregory (KYOAG) <Gregory.Dutton@ag.ky.gov>
Sent: Tuesday, October 22, 2013 9:05 AM
To: Ramser, Ann (PSC); Todd Osterloh
Cc: Hans, Jennifer (KYOAG); Sue Ellen Morris; Frost, Mark C (PSC); Wuetcher, Jerry (PSC)
Subject: RE: Case No. 2013-00237

Ann and Todd,

Thank you both for addressing and clarifying this issue.

Gregory Dutton
Assistant Attorney General
Office of Rate Intervention
Office of the Attorney General
1024 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601
(502) 696-5453
Gregory.Dutton@ag.ky.gov

From: Ramser, Ann (PSC) [mailto:Ann.Ramser@ky.gov]
Sent: Tuesday, October 22, 2013 8:49 AM
To: 'Todd Osterloh'; Dutton, Gregory (KYOAG)
Cc: Hans, Jennifer (KYOAG); Sue Ellen Morris; Frost, Mark C (PSC); Wuetcher, Jerry (PSC)
Subject: RE: Case No. 2013-00237

Greg,

Your institutional knowledge is correct. Original lines of questioning are appropriate for supplemental requests for information.

Ann Ramser
Staff Attorney
Office of General Counsel
Public Service Commission
211 Sower Boulevard
Frankfort, KY 40601
(502) 782-2585

From: Todd Osterloh [mailto:tosterloh@sturgillturner.com]
Sent: Monday, October 21, 2013 8:40 PM
To: Dutton, Gregory (KYOAG)
Cc: Ramser, Ann (PSC); Hans, Jennifer (KYOAG); Sue Ellen Morris; Frost, Mark C (PSC); Wuetcher, Jerry (PSC)
Subject: Re: Case No. 2013-00237

This email addresses a couple items previously discussed.

1. WSCK is still working on formatting the file for Response 3 in a manner than can be edited in Excel format by the parties. The task has been more daunting than originally anticipated. We have the file for Response 11 corrected. Unfortunately, my firm's remote server is currently down. I will send that file to the parties as soon as I get to work in the morning.

2. WSCK's preference would be to keep the current procedural schedule, if possible. We will not object to "original lines of questioning" in the "supplemental requests for information" (current deadline 11/22) on the simple grounds that the issue was not raised during the "initial request" phase (current deadline 10/25). We would encourage, however, that parties not completely forgo all questioning during the initial request phase simply because there may be additional, original topics to be covered in the supplemental requests.

Todd Osterloh
Counsel for WSCK

On Oct 21, 2013, at 5:01 PM, "Dutton, Gregory (KYOAG)" <Gregory.Dutton@ag.ky.gov> wrote:

Ann,

In the past, according to our institutional knowledge, the OAG has submitted questions in supplemental rounds of discovery that were not pursued in initial requests. I want to be sure and understand clearly that should the OAG forgo requesting information during this initial round of discovery that we will be afforded the opportunity to pursue original lines of questioning in our supplemental requests for information. The OAG would prefer not to interfere with the current schedule as Ordered by the Commission, but in light of compressed timeframes in that schedule, I would like clarification on this point. This may be common knowledge to the other attorneys, but as you may or may not know, I am fairly new to practicing before the KPSC.

Thank you for your consideration of this issue.

Gregory Dutton
Assistant Attorney General
Office of Rate Intervention
Office of the Attorney General
1024 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601
(502) 696-5453
Gregory.Dutton@ag.ky.gov

From: Ramser, Ann (PSC) [<mailto:Ann.Ramser@ky.gov>]
Sent: Monday, October 21, 2013 4:05 PM
To: Dutton, Gregory (KYOAG); Todd Osterloh; Hans, Jennifer (KYOAG); Sue Ellen Morris
Cc: Frost, Mark C (PSC); Wuetcher, Jerry (PSC)
Subject: RE: Case No. 2013-00237

Greg,

If you need additional time to prepare the Requests for Information, you will need to file a motion requesting a revision in the procedural schedule. Once the motion is received, the Commission will make a decision, not Commission Staff.

Please note that the procedural schedule as currently drafted allows for another round of discovery requests to be submitted by November 22, 2013.

Ann Ramser
Staff Attorney
Office of General Counsel
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211 Sower Boulevard
Frankfort, KY 40601
(502) 782-2585

From: Dutton, Gregory (KYOAG) [<mailto:Gregory.Dutton@ag.ky.gov>]
Sent: Monday, October 21, 2013 3:23 PM
To: Todd Osterloh; Ramser, Ann (PSC); Hans, Jennifer (KYOAG); Sue Ellen Morris
Cc: Frost, Mark C (PSC)
Subject: RE: Case No. 2013-00237

Ann,

Considering the difficulty Water Service has encountered with completing their responses to Staff's first information requests, I wonder if the procedural schedule calling for discovery requests to be submitted by this Friday is realistic. It is my feeling that the schedule as it currently stands is unrealistic at best and may not allow for due process. Interveners have only been provided one week from the issuance of the schedule to submit discovery requests. We now have only 4 days (assuming the corrected spreadsheets are distributed today) to review Water Service's complete responses to Commission Staff's first information requests. Has the Commission considered amending the procedural schedule? Would the other parties object to an amended schedule?

Gregory Dutton
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Gregory.Dutton@ag.ky.gov

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Under Kentucky Rule of Evidence 503, this communication is confidential and not intended to be disclosed to third persons other than those to whom disclosure is made in furtherance of the rendition of professional legal services to or on behalf of the Office of the Attorney General.

From: Todd Osterloh [<mailto:tosterloh@sturgillturner.com>]

Sent: Friday, October 18, 2013 4:35 PM

To: Ramser, Ann (PPC); Hans, Jennifer (KYOAG); Dutton, Gregory (KYOAG); 'Sue Ellen Morris'

Cc: Frost, Mark C (PSC)

Subject: Case No. 2013-00237

Just an FYI – I spoke with PSC Staffer Mark Frost to get a better idea of the exact nature of the problem. It was easier for me to understand the problem with the files on the screen in front of me. He pointed out an example of what was going on in Exhibit 3. In the depreciation workpaper sheet in DR-3, the Excel cell changes from a linked formula to #VALUE and the formula gives the following link: = 'Linked TB'!E69+'Linked TB'!E80+'Linked TB'!E73+'wp-p5 Recon Summary'!E8.

Long story, short: WSCK has a handle on the problem, and we are working towards a solution. We hope to have improved version to you on Monday. Have a good weekend.

M. Todd Osterloh

Attorney

tosterloh@sturgillturner.com

<image001.jpg>

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Ramser, Ann (PSC)

From: Todd Osterloh <tosterloh@sturgillturner.com>
Sent: Tuesday, October 22, 2013 8:28 AM
To: Dutton, Gregory (KYOAG); Ramser, Ann (PSC); Hans, Jennifer (KYOAG); Sue Ellen Morris
Cc: Frost, Mark C (PSC); Wuetcher, Jerry (PSC)
Subject: Exhibit 11 Redacted - Case No. 2013-00237
Attachments: DR-11-Revised-10182013-REDACTED.xlsx

Attached is the redacted version of the Excel file corresponding with WSCK Response to Item 11 of the PSC Staff's First Information Request. This is being provided via email as a courtesy and will be filed in the record when the Excel file for Item 3 is also corrected and ready to be filed. I will also file a confidential, non-redacted version of this file at that time.

If you have any questions, please let me know.

M. Todd Osterloh

Attorney

tosterloh@sturgillturner.com



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Ramser, Ann (PSC)

From: Ramser, Ann (PSC)
Sent: Tuesday, October 22, 2013 9:43 AM
To: 'Todd Osterloh'
Cc: s_ellen@bellsouth.net; Hans, Jennifer (KYOAG); Charles Cole; Dutton, Gregory (KYOAG); Wuetcher, Jerry (PSC)
Subject: RE: KY-PSC Electronic Filing Center Notification For Case: 2013-00237

Todd,

Thank you for letting me know about this error. I have to take the blame for the incorrect assumption. Filings listed Ms. Myers on the service list but did not indicate that she is an attorney. Future correspondence will not include an "Esq." after Ms. Myers' name.

Ann Ramser
Staff Attorney
Office of General Counsel
Public Service Commission
211 Sower Boulevard
Frankfort, KY 40601
(502) 782-2585

From: Todd Osterloh [<mailto:tosterloh@sturgillturner.com>]
Sent: Tuesday, October 22, 2013 9:21 AM
To: Ramser, Ann (PSC)
Cc: s_ellen@bellsouth.net; Hans, Jennifer (KYOAG); Charles Cole; Dutton, Gregory (KYOAG); Wuetcher, Jerry (PSC)
Subject: RE: KY-PSC Electronic Filing Center Notification For Case: 2013-00237

Ann,
Please be advised that Mary Myers is my staff assistant. On the PSC letter below, I noticed that the Filings Division added an "Esq." suffix to her name. Mary certainly deserves most of the credit for the work she comes out of our office, but to avoid confusion (and, worse yet, allegations of unauthorized practice of law), would you please have the filings division correct that minor mistake.

Thanks,

M. Todd Osterloh

Attorney

tosterloh@sturgillturner.com



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From: DoNotReply@ky.gov [<mailto:DoNotReply@ky.gov>]

Sent: Tuesday, October 22, 2013 9:16 AM

To: pscfilings@ky.gov; s_ellen@bellsouth.net; jennifer.hans@ag.ky.gov; Todd Osterloh; Mary Myers; Charles Cole; Gregory.Dutton@ag.ky.gov

Subject: KY-PSC Electronic Filing Center Notification For Case: 2013-00237

[20131022_PSC_Letter Filing Documents.pdf](#)